

**STATE BOARD OF ELECTIONS
Board Meeting
Monday, March 19, 2007
Springfield, Illinois**

MINUTES

PRESENT:

Jesse Smart, Chairman
Wanda L. Rednour, Vice Chairman
Patrick Brady, Member
John R. Keith, Member
William McGuffage, Member
Albert Porter, Member
Bryan Schneider, Member
Robert Walters, Member

ALSO PRESENT:

Dan White, Executive Director
Steve Sandvoss, General Counsel
Rebecca Glazier, Assistant to Executive Director

The regular monthly meeting of the State Board of Elections was called to order at 10:35 a.m. with seven members present. Member Brady was connected via telephone. Member McGuffage was delayed and Member Porter held his proxy until his arrival.

Chairman Smart opened the meeting by leading everyone in the pledge of allegiance.

Chairman Smart presented the minutes of the February 20 regular monthly Board meeting. Director White discussed revisions submitted by Member Keith and minutes reflecting those revisions were distributed to Board members. Vice Chairman Rednour moved to approve the minutes as amended. Member Keith seconded the motion which passed by roll call vote of 8-0.

The Executive Director indicated that video conferencing equipment has been delivered to the Springfield office and is being delivered to the Chicago office soon. The conference room in Chicago is being renovated and enlarged to accommodate the new equipment. This will enable the State Board of Elections to comply with the new requirements of the Open Meetings Act.

The Executive Director provided an update in response to Board request at the February meeting. Election Systems and Software provided a written response indicating they would comply with Dianne Felts requirements with regard to the 2 year interim approval of the equipment approved at the February meeting.

Director White indicated the Consolidated Election is one month from tomorrow. Included in the packet was a listing of jurisdictions to be tested for the election, the election judges schools and election day assignments for the Consolidated Election.

The Consolidated Primary Election was quiet with a very low turnout and very few problems. Director White indicated after the polls closed he visited with Cook County who indicated they were very pleased with the changes the county had made and with Sequoia's changes. Mark Mossman indicated that only 55 of the 110 election jurisdictions had primaries and many of those only had 2 or 3 precincts that actually conducted an election. Director White noted that a newspaper article indicated that Cook County was going to pay Sequoia based on how quickly results were transmitted and how quickly results were tabulated.

Director White indicated that staff has attended both the House and Senate appropriation hearings and both went very well. The State Board of Elections received compliments on the petition filing procedures. Staff met with Senator Schoenberg prior to the Senate hearing and discussed the proposed testing center. (Member McGuffage connected via telephone at 10:45 a.m.)

Senator Link has asked that the State Board of Elections work with him on a proposal to require vendors to pay to have their voting systems tested. The funds would be returned to the General Revenue Fund but would help the State offset the costs of a new testing center. Director White noted that he surveyed other states and of the 20 states that have responded to date, 11 require some sort of fee or down payment. The fees range widely from \$150 up to a \$7.5 million performance bond. Cris Cray distributed a draft of suggested language for the Senator Link proposal and noted that comments have been made that another possibility is to provide for this by administrative rule. Chairman Smart asked staff to prepare a fee structure and present at the April meeting. Member McGuffage felt it should be set by law and asked where the election authorities stood on this. It was indicated staff would query the election authorities. Ms. Cray distributed a listing of all proposed election bills and noted the following bills are moving ahead: 1) Voters Guide, 2) the elimination of in-person absentee voting, and 3) the lawsuit bills. Three supplemental bills being considered are: 1) the *King* settlement case, 2) necessary funds to move the 2008 primary to February, and 3) retirement line

shortfall. Because of the shortfall of retirement funds staff is utilizing the transferability between funds. Mike Roate discussed that he has discussed with the Bureau of the Budget getting transfers reversed and spending authority returned when the supplemental request passes. Chairman Smart questioned what was being done so that this does not happen again next year. Mr. Roate explained that procedural changes are in place to ensure it doesn't happen again. In response to a question, Ms. Cray explained that the primary date change will be a permanent change. Steve Sandvoss discussed proposed legislation that will require petition signers to print their name as well as sign their name. Mr. Sandvoss reviewed the proposed language and addressed the Board's concerns as expressed at the February meeting. Member Porter did not feel shifting the burden to the candidate was appropriate. Several members concurred with the suggestion to change the language elector's "choice" and Mr. Sandvoss indicated he would address that in the language. The General Counsel explained that this is directory rather than a mandatory requirement and felt it was a built-in incentive. Member Porter felt that it was an inequality to a person who writes illegible versus a person who does not. Member Keith indicated that based upon his experience those types of signatures are automatically challenged now and it is up to staff or checkers to interpret it. After further discussion, Member Schneider moved to adopt the General Counsel's language for proposed legislation. Vice Chairman Rednour seconded the motion which passed by roll call vote of 7-1 with Member Porter voting in the negative.

Director White indicated that federal legislation is being discussed and most likely will pass. Senators Holt, Clinton and Feinstein have bills that all contain requirements for voter verified paper trails and other election related items as well. One requirement that would affect Illinois is the use of archival paper so that it would be able to withstand recounts.

Director White presented for discussion the Brennan Center for Justice Report on Campaign Finance in Illinois which had been previously distributed to the Board. The report offers recommends in four areas: 1) public financing, 2) contribution limits, 3) disclosure and 4) enforcement. Rupert Borgsmiller prepared comments on the report and its recommendations. Chairman Smart noted that Mr. Borgsmiller's comments point out that this is more of a legislative matter. Discussion ensued on

the report and it was indicated that we cannot expand on the law if the law does not address something, When the rules are before JCAR they ensure everything in the law is covered by the rules. Director White noted that the Brennan Center was in contact with the State Board of Elections before the report was issued but did not make any contact when the report was released. The General Counsel reviewed the conversation he had with Susan Novak, the New York attorney who had not applied to practice law in Illinois. Mr. Borgsmiller indicated that the Illinois Campaign for Political Reform did submit written comments regarding the rules and disagreed with the position the State Board of Elections had taken. JCAR also had their comments.

The Executive Director presented for informational purposes 1) the FY07 fiscal report for the period ending February 28, 2007, 2) the fiscal report for the Help Illinois Vote Fund, and 3) the two year plan of activity for the months of March and April.

Director White informed the Board that Steve Sandvoss' wife and children were involved in a car accident this morning and he may have to leave the meeting early.

The General Counsel presented an appeal of a civil penalty in the matter of *SBE v. Tazewell County Democratic Central Committee*, 06AP009 listed on the agenda as 3.a.1. The hearing officer recommended that the appeals be granted and the General Counsel concurred with the recommendation. No one was present in this matter. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and grant the appeal. Member Walters seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a listing of committees that have unpaid civil penalties in response to discussion at the February Board meeting. Steve Sturm prepared a memo regarding debt collection which outlines an option for the Board to send certain debts determined uncollectible by the SBE to the Debt Collection Bureau. This would affect cases where the penalty exceeds the \$1,000 and have been due for over six months. Three notices are currently sent to committees and if the Board approves, the last notice in the future will include language indicating the debt will be referred to the Department of Revenue Debt Collection Bureau. Steve Sturm indicated that state agencies are not covered under the Federal Fair Collection Act. Member Porter moved to authorize staff to proceed

with debt collection efforts as outlined in the memo before the Board as written by Steve Sturm. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for informational purposes a listing of committees that paid civil penalties.

The General Counsel indicated the remaining campaign disclosure items are complaints following closed preliminary hearings and unless waivers have been submitted must be discussed in executive session. Although Rich Means was present on three matters and waived the closed hearing the other parties were not present so it must proceed in closed session. Member Keith moved to recess to executive session to consider the complaints following closed preliminary hearings. Vice Chairman Rednour seconded the motion which passed unanimously. Meeting recessed at 11:50 a.m. and reconvened at 11:58 a.m.

Upon reconvening Member Keith moved to adopt action taken in executive session and approve the recommendations of the hearing officer and General Counsel in the matters of *Barry v. Friends of Aldermen Madeline Haithcock for Political Office*, 07CD004; *Barry v. 32nd Ward Regular Democratic Organization*, 07CD006; *Barry v. Matlak 2007*, 07CD007; *Barry v. Friends of Matlak*, 07CD008; *Kazmierczak v. Frimark*, 07CD009; *Rodriguez v. Sanchez*, 07CD011 with modification to the statutory reference in *Kazmierczak v. Frimark*, 07CD009. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a payment plan submitted by the Chicago Southland Political Committee to pay their civil penalty in installments as follows: 1) \$200 enclosed with plan, 2) \$100 by June 30, and 3) final balance of \$700 by September 30, 2007. Staff recommends accepting the payment plan as this will allow the committee time to raise the funds. Member Schneider moved to stay a referral to the debt collection as long as they follow the payment plan. Member Keith seconded the motion which passed by roll call vote of 8-0.

Member Keith moved to recess to executive session to discuss pending litigation and personnel matters. Vice Chairman Rednour seconded the motion which passed unanimously. Meeting recessed at 12:00 p.m. and reconvened at 1:30 p.m.

Member Keith moved to adopt personnel adjustments that were addressed in executive session. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

Member McGuffage informed the Board that former Board member Phil O'Connor has taken an advisory role in the Middle East to assist with the energy problem and is currently in Baghdad. The Board wished him a safe journey.

The next regular meeting of the State Board of Elections will be held on Monday, April 16, 2007 at 10:30 a.m. in Chicago.

With there being no further discussion, Vice Chairman Rednour moved to adjourn. Member Schneider seconded the motion which passed unanimously. The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director